

CIVIL SERVICE COMMISSION MINUTES

March 15, 2000

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 310 at the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Mary Gwen Brummitt
Roy Dixon
Gordon Austin

Comprising a quorum of the Commission

Absent were:

Sigrid Pate
Gloria Valencia-Cothran

Support Staff Present:

Larry Cook, Executive Officer
Ralph Shadwell, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

CIVIL SERVICE COMMISSION MINUTES
March 15, 2000

1:15 p.m. CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation

2:30 p.m. OPEN SESSION: Room 310, 1600 Pacific Highway, San Diego, California 92101

PRE-AGENDA CONFERENCE

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
	5		

COMMENTS Motion by Dixon to approve all items not held for discussion; seconded by Austin. Carried.

CLOSED SESSION AGENDA
County Administration Center, Room 458
(Notice pursuant to Government Code Sec. 54954.2)
Members of the Public may be present at this
location to hear the announcement of the
Closed Session Agenda

A. Commissioner Dixon: James Gattey Esq., on behalf of **Ronald Portz**, Court Service Officer, Office of the Marshal, appealing an Order of Removal from the Office of the Marshal.

B. Commissioner Austin: Everett Bobbitt, Esq., on behalf of **Edward Cervantes**, District Attorney Investigator, Office of the District Attorney, appealing an Order of Termination and Charges from the Office of the District Attorney. Interim report to be presented in Closed Session only.

C. Conference with Legal Counsel - Existing Litigation: Govt. Code Section 54956.9 Subdivision A, **Caloca v. County of San Diego and San Diego County Civil Service Commission**, Superior Court No. 706089.

D. Conference with Labor Negotiators: Commission's designated Representatives Madge Blakey and Larry Abelin re: **Caloca v. County of San Diego and San Diego County Civil Service Commission**, Superior Court No. 706089.

REGULAR AGENDA
County Administration Center, Room 310

NOTE: Five total minutes will be allocated for input on Agenda Items unless additional time is requested at the outset and it is approved by the President of the Commission.

MINUTES

1. Approval of the Minutes of the regular meeting of February 16, 2000.

Approved.

CONFIRMATION OF ASSIGNMENTS

2. Commissioner Dixon: **Peggy Torralva**, Public Defender Investigator III, Department of the Public Defender, appealing an Order of Demotion from the Department of the Public Defender.

Confirmed.

DISCIPLINES

Findings

3. Commissioner Dixon: James Gattey Esq., on behalf of **Ronald Portz**, Court Service Officer, Office of the Marshal, appealing an Order of Removal from the Office of the Marshal.

FINDINGS & RECOMMENDATIONS:

Employee was charged with Cause 1 - Incompetency (personal call to a female juror during a trial); Cause 2 - Conduct unbecoming an officer of the County; and Cause 3 - Failure of good behavior. Employee was employed at the Office of the Marshal for approximately 8 ½ years as a Court Services Officer. Employee was the bailiff appointed to a criminal jury trial. While the jury was in deliberation, Employee made a telephone call to one of the female jurors at her home for the purpose of asking her out on a date. The juror found this phone call inappropriate and complained to the Jury Commissioner, as well as to the Judge presiding over the trial. Subsequently, the juror was excused from the jury panel, and the defense attorney called for a mistrial. (Although the motion for mistrial was denied, an appeal is still possible.) Employee blamed his poor judgment on the use of alcohol and requested a "last chance agreement" wherein he would sign a letter of resignation to be held in abeyance; continue treatment in a chemical dependency recovery program and attend Alcoholics Anonymous meetings indefinitely. Although "last chance agreements" are rare, the Hearing Officer considered this avenue, however, due to Employee's extensive record of prior discipline, the Hearing Officer deemed Employee's request too late. Employee was found guilty of Causes 1, 2, and 3. It is therefore recommended that the Order of Termination be affirmed; the proposed decision shall become effective upon the date of approval by the Civil Service Commission; and that the

Commission approve and file this report.

Motion by Dixon to approve Findings and Recommendations; seconded by Austin. Carried.

SELECTION PROCESS

Findings

4. Commissioner Brummitt: **Julieann White** appealing her non-selection by the Department of Probation for the classification of Deputy Probation Officer.

FINDINGS & RECOMMENDATIONS:

Appellant is a former County employee with extensive experience in the area of social services. The selection process that Appellant contested was extensive, consisting of published requirements, written exam, interviews and a background check. Appellant was not selected as a deputy probation officer due to information derived from a background check. The Hearing Officer reviewed the background investigation file in camera with the background investigator and personnel officer for the Department of Probation. The background investigation file revealed some negative input from at least two sources of authority who had knowledge of her previous employment. The Hearing Officer indicated that there were many positive aspects about her employment background, but the contrasting negative information could not be overlooked. Based on the findings, Appellant's appeal was denied, and this proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Brummitt to approve Findings and Recommendations; seconded by Austin. Carried.

Complaints

5. Dung Tran, S.E.I.U. Local 2028, on behalf of **Valerie Pickett** requesting a Rule X hearing regarding her not being appointed to the classification of Eligibility Technician in the Health and Human Services Agency.

RECOMMENDATION: Deny Request. (Continued from the Commission's February 16, 2000 meeting.)

Continued per request of SEIU Local 2028.

6. **Rigoberto Vindiola** requesting a Rule X hearing regarding the Department of Human Resources' disqualification of Mr. Vindiola to compete for the classification of Social Worker I/II (Bilingual) in the Health and Human Services Agency.

RECOMMENDATION: Deny Request.

Staff recommendation approved.

OTHER MATTERS

Seal Performance Appraisals

7. **Barbara Velasquez**, Analyst III, and Hawley Ridenour, Interim Group Human Resources Director, Health and Human Services Agency requesting the sealing of Ms. Velasquez's performance appraisal for the period October 12, 1996 through May 30, 1997.

RECOMMENDATION: Grant request.

Staff recommendation approved.

Extension of Temporary Appointments

8. Health and Human Services Agency

A. 1 Residential Care Worker Trainees (Wilma Jones)

B. 1 Residential Care Worker I (Nicole Sweet)

C. 1 Residential Care Worker II (Richard Gilbert)

9. Department of Probation

4 Probation Aide's (Melba Nerida, Marcia Mercader, Vannga Tran, Fely Barrera-Bersamina)

10. Agriculture, Weights & Measures

1 Insect Detection Specialist (Quang Ong)

RECOMMENDATION: Ratify item Nos. 8-10.

Item Nos. 8-10 ratified.

11. Public Input.

ADJOURNMENT: 2:45 p.m

NEXT MEETING OF THE CIVIL SERVICE COMMISSION WILL BE APRIL 5, 2000.